



**[4910-13]**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 71**

**[Docket No. FAA-2012-0392; Airspace Docket No. 12-AGL-3]**

#### **Amendment of Class D Airspace; Sault Ste Marie, ON**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Class D airspace at Sault Ste Marie, ON. Additional controlled airspace is necessary to coincide with the Canadian control zone over Sault Ste Marie Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport.

**DATES:** Effective date: 0901 UTC, November 15, 2012. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone 817-321-7716.

**SUPPLEMENTARY INFORMATION:**

## **History**

On May 21, 2012, the FAA published in the FEDERAL REGISTER a notice of proposed rulemaking (NPRM) to amend Class D airspace for the Sault Ste Marie, ON, area, creating additional controlled airspace at Sault Ste Marie Airport (77 FR 29916) Docket No. FAA-2012-0392. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class D airspace designations are published in paragraph 5000 of FAA Order 7400.9V dated August 9, 2011, and effective September 15, 2011, which is incorporated by reference in 14 CFR Part 71.1. The Class D airspace designations listed in this document will be published subsequently in the Order.

## **The Rule**

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class D airspace at Sault Ste Marie Airport, Sault Ste Marie, ON, creating additional controlled airspace to coincide with that portion of the control zone in Canadian airspace. Controlled airspace is necessary for the safety and management of IFR operations at the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter

that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at Sault Ste Marie Airport, Sault Ste Marie, ON.

### **Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

### **List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (Air).

### **Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends  
14 CFR Part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR  
TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

1. The authority citation for 14 CFR Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565,  
3 CFR, 1959-1963 Comp., p. 389.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR Part 71.1 of the Federal Aviation  
Administration Order 7400.9V, Airspace Designations and Reporting Points, dated August  
9, 2011, and effective September 15, 2011, is amended as follows:

Paragraph 5000: Class D airspace.

\* \* \* \* \*

**AGL ON D Sault Ste Marie, ON [Amended]**

Sault Ste Marie Airport, ON, Canada  
(lat. 46°29'06"N., long. 84°30'34"W.)

That airspace in the United States at or below 3,000 feet MSL within a 5-mile radius of  
Sault Ste Marie Airport.

Issued in Fort Worth, Texas, on August 1, 2012.

David P. Medina  
Manager, Operations Support Group  
ATO Central Service Center